

(d) Time of transfer

Actual transfer of lands and management responsibilities under this section shall not occur on the constructed portions of the project lying between the Atlantic Ocean and the Eureka Lock and Dam, inclusive, and between the Gulf of Mexico and the Inglis Lock and Dam, inclusive, until the last day of the 24-month period beginning on November 28, 1990.

(e) Management pending transfer

In the 24-month period following November 28, 1990, the Secretary shall carry out any and all programmed maintenance on the portions of the project outlined in subsection (d).

(f) Contract for continued O&M**(1) In general**

During the period beginning on November 28, 1992, and ending on September 30, 1993, the Secretary is authorized and directed to offer to enter into a contract with the St. Johns River Water Management District and the Southwest Florida Water Management District of the State of Florida for the continued operation and maintenance by the Secretary of the portions of the project described in subsection (d). The maintenance shall be performed at a level of service that is necessary to ensure safe operating conditions and to prevent deterioration of the structures. No major rehabilitations or renovations shall be performed by the Secretary in such portions of the project during such period.

(2) Funding

Funding for the continued operation and maintenance of the barge canal project by the Secretary under this subsection shall not exceed \$300,000. The State of Florida shall pay a non-Federal share of \$600,000 to fund the continued maintenance of the portions of the project described in subsection (d) in accordance with paragraph (1).

(g) Survey

The exact acreage and legal description of the real property to be transferred pursuant to this section shall be determined by a survey which is satisfactory to the Secretary and to the State. The cost of such survey shall be borne by the State.

(Pub. L. 99-662, title XI, § 1114, Nov. 17, 1986, 100 Stat. 4232; Pub. L. 101-640, title IV, § 402, Nov. 28, 1990, 104 Stat. 4644; Pub. L. 102-580, title I, § 102(e), Oct. 31, 1992, 106 Stat. 4805.)

Editorial Notes**REFERENCES IN TEXT**

Act of July 23, 1942, referred to in subsec. (a), is act July 23, 1942, ch. 520, 56 Stat. 703, as amended. See National Defense Pipe Lines note set out preceding section 715 of Title 15, Commerce and Trade.

AMENDMENTS

1992—Subsecs. (f), (g). Pub. L. 102-580 added subsec. (f) and redesignated former subsec. (f) as (g).

1990—Pub. L. 101-640 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (i) which established the Cross Florida National Conservation Area, designated to it lands held for high-level

barge canal project, required that certain portions of the barge canal project be operated and maintained for navigation, recreation, and fish and wildlife enhancement and for economic benefit of the region, provided for State of Florida to retain jurisdiction and responsibility over water resources planning, development, and control of surface and ground waters, required the Secretary to develop comprehensive management plan, directed operation of Rodman Dam to assure continuation of Lake Ocklawaha reservoir, required acquisition of lands held by Florida Canal Authority for barge canal project and lands held by State of Florida or Canal Authority which were acquired pursuant to section 104 of the River and Harbor Act of 1960, and set forth conditions for effectiveness of certain provisions.

SUBCHAPTER CVI—EL MALPAIS NATIONAL MONUMENT AND CONSERVATION AREA**PART A—EL MALPAIS NATIONAL MONUMENT****§ 460uu. Establishment; description of area**

(a) In order to preserve, for the benefit and enjoyment of present and future generations, that area in western New Mexico containing the nationally significant Grants Lava Flow, the Las Ventanas Chacoan Archeological Site, and other significant natural and cultural resources, there is hereby established the El Malpais National Monument (hereinafter referred to as the “monument”). The monument shall consist of approximately 114,000 acres as generally depicted on the map entitled “El Malpais National Monument and National Conservation Area” numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

(b) As soon as practicable after December 31, 1987, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall file a legal description of the monument with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this subchapter, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(Pub. L. 100-225, title I, § 101, Dec. 31, 1987, 101 Stat. 1539.)

Statutory Notes and Related Subsidiaries**CHANGE OF NAME**

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460uu-1. Transfer of administrative control of lands and waters

Lands and waters and interests therein within the boundaries of the monument, which as of the day prior to December 31, 1987, were administered by the Forest Service, United States De-

partment of Agriculture, are hereby transferred to the administrative jurisdiction of the Secretary to be managed as part of the monument in accordance with this subchapter. The boundaries of the Cibola National Forest shall be adjusted accordingly.

(Pub. L. 100-225, title I, §102, Dec. 31, 1987, 101 Stat. 1539.)

§ 460uu-2. Management

The Secretary, acting through the Director of the National Park Service, shall manage the monument in accordance with the provisions of this subchapter, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.),¹ and other provisions of law applicable to units of the National Park System. The Secretary shall protect, manage, and administer the monument for the purposes of preserving the scenery and the natural, historic, and cultural resources of the monument and providing for the public understanding and enjoyment of the same in such a manner as to perpetuate these qualities for future generations.

(Pub. L. 100-225, title I, §103, Dec. 31, 1987, 101 Stat. 1539.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

§ 460uu-3. Grazing permits

Where any lands included within the boundary of the monument on the map referred to in subsection¹ 460uu(a) of this title are legally occupied or utilized on December 31, 1987, for grazing purposes, pursuant to a lease, permit, or license which is—

(a) for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, and

(b) scheduled for termination before December 31, 1997,

the Secretary, notwithstanding any other provision of law, shall allow the persons holding such grazing privileges (or their heirs) to retain such grazing privileges until December 31, 1997, subject to such limitations, conditions, or regulations as the Secretary may prescribe to insure proper range management. No grazing shall be permitted on lands within the boundaries of the monument on or after January 1, 1998.

(Pub. L. 100-225, title I, §104, Dec. 31, 1987, 101 Stat. 1540.)

¹ See References in Text note below.

¹ So in original. Probably should be “section”.

PART B—MASAU TRAIL

§ 460uu-11. Designation

In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally significant sites of antiquity in New Mexico and eastern Arizona which are accessible by public road,¹ the Secretary, acting through the Director of the National Park Service, with the concurrence of the agency having jurisdiction over such roads, is authorized to designate, by publication of a description thereof in the Federal Register, a vehicular tour route along existing public roads linking prehistoric and historic cultural sites in New Mexico and eastern Arizona. Such a route shall be known as the Masau Trail (hereinafter referred to as the “trail”).

(Pub. L. 100-225, title II, §201, Dec. 31, 1987, 101 Stat. 1540.)

§ 460uu-12. Areas included

The trail shall include public roads linking El Malpais National Monument as established pursuant to part A of this subchapter, El Morro National Monument, Chaco Cultural National Historical Park, Aztec Ruins National Monument, Canyon De Chelly National Monument, Pecos National Monument, Gila Cliff Dwellings National Monument, Zuni-Cibola National Historical Park, and Petroglyph National Monument. The Secretary may, in the manner set forth in section 460uu-11 of this title, designate additional segments of the trail from time to time as appropriate to link the foregoing sites with other cultural sites or sites of national significance when such sites are designated and protected by Federal, State, or local governments, Indian tribes, or nonprofit entities.

(Pub. L. 100-225, title II, §202, Dec. 31, 1987, 101 Stat. 1540; Pub. L. 100-567, §10, Oct. 31, 1988, 102 Stat. 2852; Pub. L. 101-313, title III, §301, June 27, 1990, 104 Stat. 279.)

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-313 inserted reference to Petroglyph National Monument.

1988—Pub. L. 100-567, which directed substitution of “Gila Cliff Dwellings National Monument, and Zuni-Cibola National Historical Park” for “and Gila Cliff Dwelling National Monument” was executed by making substitution for “and Gila Cliff Dwellings National Monument” as the probable intent of Congress.

§ 460uu-13. Information and interpretation

With respect to sites linked by segments of the trail which are administered by other Federal, State, local, tribal, or nonprofit entities, the Secretary may, pursuant to cooperative agreements with such entities, provide technical assistance in the development of interpretive devices and materials in order to contribute to public appreciation of the natural and cultural resources of the sites along the trail. The Secretary, in cooperation with State and local governments, Indian tribes, and nonprofit entities,

¹ So in original. Probably should be “roads,”.

shall prepare and distribute informational material for the public appreciation of sites along the trail.

(Pub. L. 100-225, title II, §203, Dec. 31, 1987, 101 Stat. 1541.)

§ 460uu-14. Markers

The trail shall be marked with appropriate markers to guide the public. With the concurrence and assistance of the State or local entity having jurisdiction over the roads designated as part of the trail, the Secretary may erect thereon and maintain signs and other informational devices displaying the Masau Trail Marker. The Secretary is authorized to accept the donation of suitable signs and other informational devices for placement at appropriate locations.

(Pub. L. 100-225, title II, §204, Dec. 31, 1987, 101 Stat. 1541.)

PART C—EL MALPAIS NATIONAL CONSERVATION AREA

§ 460uu-21. Establishment; description of area

(a) In order to protect for the benefit and enjoyment of future generations that area in western New Mexico containing the La Ventana Natural Arch and the other unique and nationally important geological, archeological, ecological, cultural, scenic, scientific, and wilderness resources of the public lands surrounding the Grants Lava Flows, there is hereby established the El Malpais National Conservation Area (hereinafter referred to as the “conservation area”). The conservation area shall consist of approximately 262,690 acres of federally owned land as generally depicted on a map entitled “El Malpais National Monument and National Conservation Area” numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for inspection in the offices of the Director of the Bureau of Land Management of the Department of the Interior.

(b) As soon as practicable after December 31, 1987, the Secretary shall file a legal description of the conservation area designated under this section with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. Such legal description shall have the same force and effect as if included in this subchapter, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

(Pub. L. 100-225, title III, §301, Dec. 31, 1987, 101 Stat. 1541.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460uu-22. Management

(a) Provisions applicable

The Secretary, acting through the Director of the Bureau of Land Management, shall manage the conservation area to protect the resources specified in section 460uu-21 of this title and in accordance with this subchapter, the Federal Land Management and Policy¹ Act of 1976 [43 U.S.C. 1701 et seq.] and other applicable provisions of law, including those provisions relating to grazing on public lands.

(b) Hunting and trapping

The Secretary shall permit hunting and trapping within the conservation area in accordance with applicable laws and regulations of the United States and the State of New Mexico; except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(c) Prohibition of collection of green or dead wood for commercial purposes

Collection of green or dead wood for sale or other commercial purposes shall not be permitted in the conservation area.

(d) Grazing

Except as otherwise provided in section 460uu-32(b) of this title, within the conservation area the grazing of livestock shall be permitted to continue, pursuant to applicable Federal law, including this subchapter, and subject to such reasonable regulations, policies, and practices as the Secretary deems necessary.

(Pub. L. 100-225, title III, §302, Dec. 31, 1987, 101 Stat. 1541.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Management and Policy Act of 1976, referred to in subsec. (a), probably means the Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

PART D—WILDERNESS

§ 460uu-31. Designation; description of area

(a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890) [16 U.S.C. 1131 et seq.], there are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System, the Cebolla Wilderness of approximately 60,000 acres, and the West Malpais Wilderness of approximately 38,210 acres, as each is generally depicted on the map entitled “El Malpais National Monument and National Conservation Area” numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for inspection

¹ So in original. See References in Text note below.

in the offices of the Director of the Bureau of Land Management, Department of the Interior.

(b) As soon as practicable after December 31, 1987, the Secretary shall file a legal description of each wilderness area designated by this subchapter with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this subchapter, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

(Pub. L. 100–225, title IV, § 401, Dec. 31, 1987, 101 Stat. 1542.)

Editorial Notes

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (a), is Pub. L. 88–577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460uu–32. Management; provisions applicable

(a) Subject to valid existing rights, each wilderness area designated under this subchapter shall be administered by the Secretary, through the Director of the Bureau of Land Management, in accordance with the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.] governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to December 31, 1987.

(b) Within the wilderness areas designated by this subchapter, the grazing of livestock, where established prior to December 31, 1987, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act [16 U.S.C. 1131 et seq.] and section 108 of Public Law 96–560 (16 U.S.C. 1133 note).

(Pub. L. 100–225, title IV, § 402, Dec. 31, 1987, 101 Stat. 1542.)

Editorial Notes

REFERENCES IN TEXT

The Wilderness Act, referred to in text, is Pub. L. 88–577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this

title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The effective date of the Wilderness Act, referred to in subsec. (a), means Sept. 3, 1964, the date of enactment of Pub. L. 88–577, which enacted chapter 23 of this title.

PART E—GENERAL PROVISIONS

§ 460uu–41. Management plans

(a) Development and transmittal to Congress; contents

Within three full fiscal years following the fiscal year of enactment of this subchapter, the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, separate general management plans for the monument and the conservation area which shall describe the appropriate uses and development of the monument and the conservation area consistent with the purposes of this subchapter. The plans shall include but not be limited to each of the following:

(1) implementation plans for a continuing program of interpretation and public education about the resources and values of the monument and the conservation area;

(2) proposals for public facilities to be developed for the conservation area or the monument, including a visitors center in the vicinity of Bandera Crater and a multiagency orientation center, to be located in or near Grants, New Mexico, and adjacent to Interstate 40, to accommodate visitors to western New Mexico;

(3) natural and cultural resources management plans for the monument and the conservation area, with a particular emphasis on the preservation and long-term scientific use of archeological resources, giving high priority to the enforcement of the provisions of the Archeological¹ Resources Protection Act of 1979 [16 U.S.C. 470aa et seq.] and the National Historic Preservation Act² within the monument and the conservation area. The natural and cultural resources management plans shall be prepared in close consultation with the Advisory Council on Historic Preservation, the New Mexico State Historic Preservation Office, and the local Indian people and their traditional cultural and religious authorities; and such plans shall provide for long-term scientific use of archaeological resources in the monument and the conservation area, including the wilderness areas designated by this subchapter; and

(4) wildlife resources management plans for the monument and the conservation area prepared in close consultation with appropriate departments of the State of New Mexico and using previous studies of the area.

(b) Review and recommendation of suitability or nonsuitability of specific lands

(1) The general management plan for the conservation area shall review and recommend the

¹ So in original. Probably should be “Archeological”.

² See References in Text note below.

suitability or nonsuitability for preservation as wilderness of those lands comprising approximately 17,468 acres, identified as “Wilderness Study Area” (hereafter in this part referred to as the “WSA”) on the map referenced in section 460uu of this title.

(2) Pending submission of a recommendation and until otherwise directed by an Act of Congress, the Secretary, acting through the Director of the Bureau of Land Management, shall manage the lands within the WSA so as to maintain their potential for inclusion within the National Wilderness Preservation System.

(c) Review and recommendation of suitability or nonsuitability of roadless lands

(1) The general management plan for the monument shall review and recommend the suitability or nonsuitability for preservation as wilderness of all roadless lands within the boundaries of the monument as established by this subchapter except those lands within the areas identified as “potential development areas” on the map referenced in section 460uu of this title.

(2) Pending the submission of a recommendation and until otherwise directed by Act of Congress, the Secretary, through the Director of the National Park Service, shall manage all roadless lands within the boundaries of the monument so as to maintain their potential for inclusion in the National Wilderness Preservation System, except those lands within the areas identified as “potential development areas” on the map referenced in section 460uu of this title.

(Pub. L. 100-225, title V, § 501, Dec. 31, 1987, 101 Stat. 1543.)

Editorial Notes

REFERENCES IN TEXT

The fiscal year of enactment of this subchapter, referred to in subsec. (a), is the fiscal year of the enactment of Pub. L. 100-225, which enacted this subchapter, and was approved Dec. 31, 1987.

The Archaeological Resources Protection Act of 1979, referred to in subsec. (a)(3), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§ 470aa et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of this title and Tables.

The National Historic Preservation Act, referred to in subsec. (a)(3), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, which was classified generally to subchapter II (§ 470 et seq.) of chapter 1A of this title. The Act, except for section 1, was repealed and restated in division A (§ 300101 et seq.) of subtitle III of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§ 3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460uu-42. Acquisition of lands and interests

Within the monument and the conservation area, the Secretary is authorized to acquire

lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that such lands or interests therein owned by the State of New Mexico or a political subdivision thereof may be acquired only by exchange. It is the sense of Congress that the Secretary is to complete the acquisition of non-Federal subsurface interests underlying the monument and the conservation area no later than three full fiscal years after the fiscal year of enactment of this subchapter.

(Pub. L. 100-225, title V, § 502, Dec. 31, 1987, 101 Stat. 1544.)

Editorial Notes

REFERENCES IN TEXT

The fiscal year of enactment of this subchapter, referred to in text, is the fiscal year of the enactment of Pub. L. 100-225, which enacted this subchapter, and was approved Dec. 31, 1987.

§ 460uu-43. State exchanges of lands and interests

(a) Upon the request of the State of New Mexico (hereinafter referred to as the “State”) and pursuant to the provisions of this section, the Secretary shall exchange public lands or interests in lands elsewhere in the State of New Mexico, of approximately equal value and selected by the State, acting through its Commissioner of Public Lands, for any lands or interests therein owned by the State (hereinafter referred to as “State lands”) located within the boundaries of the monument or the conservation area which the State wishes to exchange with the United States.

(b) Within six months after December 31, 1987, the Secretary shall notify the New Mexico Commissioner of Public Lands what State lands are within the monument or the conservation area. The notice shall contain a listing of all public lands or interest therein within the boundaries of the State of New Mexico which have not been withdrawn from entry and which the Secretary, pursuant to the provisions of sections 1712 and 1716 of title 43, has identified as appropriate for transfer to the State in exchange for State lands. Such listing shall be updated at least annually. If the New Mexico Commissioner of Public Lands gives notice to the Secretary of the State's desire to obtain public lands so listed, the Secretary shall notify the Commissioner in writing as to whether the Department of the Interior considers the State lands within the monument or conservation area to be of approximately equal value to the listed lands or interests in lands the Commissioner has indicated the State desires to obtain. It is the sense of the Congress that the exchange of lands and interests therein with the State pursuant to this section should be completed within two years after December 31, 1987.

(Pub. L. 100-225, title V, § 503, Dec. 31, 1987, 101 Stat. 1544.)

§ 460uu-44. Mineral exchanges

(a) Authorization; matters considered

The Secretary is authorized and directed to exchange the Federal mineral interests in the

lands described in subsection (b) for the private mineral interests in the lands described in subsection (c), if—

(1) the owner of such private mineral interests has made available to the Secretary all information requested by the Secretary as to the respective values of the private and Federal mineral interests to be exchanged; and

(2) on the basis of information obtained pursuant to paragraph (1) and any other information available, the Secretary has determined that the mineral interests to be exchanged are of approximately equal value; and

(3) the Secretary has determined—

(A) that except insofar as otherwise provided in this section, the exchange is not inconsistent with the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.]; and

(B) that the exchange is in the public interest.

(b) Location of Federal mineral interests

The Federal mineral interests to be exchanged under this section underlie the lands, comprising approximately 15,008 acres, depicted as “Proposed for transfer to Santa Fe Pacific” on the map referenced in subsection (d).

(c) Location of private mineral interests

The private mineral interests to be exchanged pursuant to this section underlie the lands, comprising approximately 15,141 acres, depicted as “Proposed for transfer to U.S.” on the map referenced in subsection (d).

(d) Identification of mineral interests; legal description

(1) The mineral interests identified in this section underlie those lands depicted as “Proposed for transfer to Santa Fe Pacific” and as “Proposed for transfer to U.S.” on a map entitled “El Malpais Leg. Boundary, HR3684/S56”, revised 5-8-87.

(2) As soon as practicable after December 31, 1987, the Secretary shall file a legal description of the mineral interest areas designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this subchapter, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

(e) Time of completion of exchanges

It is the sense of the Congress that all exchanges pursuant to this section shall be completed no later than three years after December 31, 1987.

(Pub. L. 100-225, title V, § 504, Dec. 31, 1987, 101 Stat. 1545.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a)(3)(A), is Pub. L. 94-579,

Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460uu-45. Acoma Pueblo exchanges

(a) Lands to be exchanged

(1) Upon the request of the Pueblo of Acoma, the Secretary shall acquire by exchange any lands held in trust for the Pueblo of Acoma (hereinafter referred to as “trust lands”) located within the boundary of the conservation area which the Pueblo wishes to exchange pursuant to this section. Such trust lands shall be exchanged either for—

(A) lands described in subsection (c) (with respect to trust lands west of New Mexico Highway 117); or

(B) public lands of approximately equal value located outside the monument and outside the conservation area but within the boundaries of the State of New Mexico which are selected by the Pueblo of Acoma, so long as such exchange is consistent with applicable law and Bureau of Land Management resource management plans developed pursuant to the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.].

(2) All lands selected by and transferred to the Pueblo of Acoma at its request pursuant to this section shall thereafter be held in trust by the Secretary for the Pueblo of Acoma in the same manner as the lands for which they were exchanged.

(3) Any lands west of New Mexico Highway 117 which are acquired by the Secretary pursuant to this section shall be incorporated into the monument and managed accordingly, and section 460uu-3 of this title and all other provisions of this subchapter and other law applicable to lands designated by this subchapter as part of the monument shall apply to such incorporated lands.

(b) Public lands available for exchange

For purposes of acquiring lands pursuant to subsection (a) of this section, the Secretary, consistent with applicable law and Bureau of Land Management resource management plans described in subsection (a), shall make public lands within the boundaries of the State of New Mexico available for exchange. Nothing in this subchapter shall be construed as authorizing or requiring revocation of any existing withdrawal or classification of public land except in a manner consistent with applicable law.

(c) Public lands available for transfer; management of lands not exchanged or transferred

(1) The Secretary shall make the lands within the areas identified as “Acoma Potential Exchange Areas” on the map referenced in section

460uu-21 of this title available for transfer to the Pueblo of Acoma pursuant to this subsection.

(2) Upon a request of the Pueblo of Acoma submitted to the Secretary no later than one year after December 31, 1987, lands within the areas described in paragraph (1) shall be transferred to the Pueblo of Acoma in exchange for trust lands of approximately equal value within that portion of the conservation area west of New Mexico Highway 117. The Secretary may require exchanges of land under this subsection to be on the basis of compact and contiguous parcels.

(3) Any lands within the areas described in paragraph (1) not proposed for exchange by a request submitted to the Secretary by the Pueblo of Acoma within the period specified in paragraph (2), and any lands in such areas not ultimately transferred pursuant to this subsection, shall be incorporated within the conservation area and managed accordingly. In addition, any lands in that portion of the areas described in paragraph (1) lying in section 1, township 7N, range 9W, New Mexico Principal Meridian, not transferred to the Pueblo of Acoma pursuant to this subsection shall be added to and incorporated within the Cebolla Wilderness and managed accordingly.

(Pub. L. 100-225, title V, §505, Dec. 31, 1987, 101 Stat. 1545.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a)(1)(B), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

§ 460uu-46. Exchanges and acquisitions generally; withdrawal

(a) Exchanges on basis of equal value; cash equalization; exceptions

All exchanges pursuant to this subchapter shall be made in a manner consistent with applicable provisions of law, including this subchapter, and unless otherwise specified in this subchapter shall be on the basis of equal value; either party to an exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal value.

(b) "Public lands" defined

For purposes of this subchapter, the term "public lands" shall have the same meaning as such term has when used in the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.].

(c) Incorporation and management of after-acquired lands

Except as otherwise provided in section 460uu-45 of this title, any lands or interests therein within the boundaries of the monument or conservation area which after December 31, 1987, may be acquired by the United States shall

be incorporated into the monument or conservation area, as the case may be, and managed accordingly, and all provisions of this subchapter and other laws applicable to the monument or the conservation area, as the case may be, shall apply to such incorporated lands.

(d) Prohibition on transfer of lands out of Federal ownership; withdrawal of lands from all forms of entry

(1) Except as otherwise provided in this subchapter, no federally-owned lands located within the boundaries of the monument or the conservation area shall be transferred out of Federal ownership, or be placed in trust for any Indian tribe or group, by exchange or otherwise.

(2) Except as otherwise provided in this subchapter, and subject to valid existing rights, all Federal lands within the monument and the conservation area and all lands and interests therein which are acquired on and after December 31, 1987, by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

(e) Discrepancies in citation of acreage; maps as controlling

The acreages cited in this subchapter are approximate, and in the event of discrepancies between cited acreages and the lands depicted on referenced maps, the maps shall control.

(f) Acceptance of lands proposed for donation

The Secretary is authorized to accept any lands contiguous to the boundaries of the Pecos National Monument (as such boundaries were established on December 31, 1987) which may be proposed for donation to the United States. If acceptance of such lands proposed for donation would be in furtherance of the purposes for which the Pecos National Monument was established, the Secretary shall accept such lands, and upon such acceptance such lands shall be incorporated into such monument and managed accordingly.

(g) Redesignation and revision of boundaries of Capulin Mountain National Monument

(1) Capulin Mountain National Monument is hereby redesignated as Capulin Volcano National Monument.

(2) Any reference in any record, map, or other document of the United States of America to Capulin Mountain National Monument shall hereafter be deemed to be a reference to Capulin Volcano National Monument.

(3) Section 1 of the Act of September 5, 1962 (76 Stat. 436) is hereby amended by striking the remaining portion of section 1 after "boundaries of the monument" and inserting "shall include the lands and interests in lands as generally depicted on the map entitled 'Capulin Volcano National Monument Boundary Map' which is numbered 125-80,014 and dated January 1987.".

(4) Jurisdiction over federally-owned lands within the revised boundaries of the monument is hereby transferred to the National Park Service, without monetary consideration, for administration as part of the monument.

(Pub. L. 100-225, title V, § 506, Dec. 31, 1987, 101 Stat. 1546.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

Act of September 5, 1962, referred to in subsec. (g)(3), is Pub. L. 87-635, Sept. 5, 1962, 76 Stat. 436, which enacted provisions listed in the National Monuments Established Under Presidential Proclamation table set out under section 320301 of Title 54, National Park Service and Related Programs.

§ 460uu-47. Access

(a) Nonexclusive access by Indians for cultural and religious purposes

In recognition of the past use of portions of the monument and the conservation area by Indian people for traditional cultural and religious purposes, the Secretary shall assure nonexclusive access to the monument and the conservation area by Indian people for traditional cultural and religious purposes, including the harvesting of pine nuts. Such access shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996 [1996a]), and (with respect to areas designated as wilderness) the Wilderness Act (78 Stat. 890) [16 U.S.C. 1131 et seq.].

(b) Recommendations from Indian leaders regarding access and protection of cultural and religious sites

In preparing the plans for the monument and the conservation area pursuant to section 460uu-41 of this title, the Secretary shall request that the Governor of the Pueblo of Acoma and the chief executive officers of other appropriate Indian tribes make recommendations on methods of—

- (1) assuring access pursuant to subsection (a) of this section;
- (2) enhancing the privacy of traditional cultural and religious activities in the monument and the conservation area; and
- (3) protecting traditional cultural and religious sites in the monument and the conservation area.

(c) Temporary closure to public of lands for protection of religious activities

In order to implement this section and in furtherance of the American Indian Religious Freedom Act [42 U.S.C. 1996, 1996a], the Secretary, upon the request of an appropriate Indian tribe, may from time to time temporarily close to general public use one or more specific portions of the monument or the conservation area in order to protect the privacy of religious activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes. Not later than seven days after the initiation of any such closure, the Secretary shall provide written notification of such

action to the Energy and Natural Resources Committee of the United States Senate and the Natural Resources Committee of the House of Representatives.

(d) Advisory committee; membership

The Secretary is authorized to establish an advisory committee to advise the Secretary concerning the implementation of this section. Any such advisory committee shall include representatives of the Pueblo of Acoma, the Pueblo of Zuni, other appropriate Indian tribes and other persons or groups interested in the implementation of this section.

(Pub. L. 100-225, title V, § 507, Dec. 31, 1987, 101 Stat. 1548; Pub. L. 103-437, § 6(d)(19), Nov. 2, 1994, 108 Stat. 4584.)

Editorial Notes

REFERENCES IN TEXT

The American Indian Religious Freedom Act, referred to in subsecs. (a) and (c), is Pub. L. 95-341, Aug. 11, 1978, 92 Stat. 469, as amended, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

The Wilderness Act, referred to in subsec. (a), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “Committee of the House”.

Statutory Notes and Related Subsidiaries

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 460uu-48. Cooperative agreements with Federal, State and local public departments and agencies

In order to encourage unified and cost effective interpretation of prehistoric and historic civilizations in western New Mexico, the Secretary is authorized and encouraged to enter into cooperative agreements with other Federal, State and local public departments and agencies, Indian tribes, and nonprofit entities providing for the interpretation of prehistoric and historic civilizations in New Mexico and eastern Arizona. The Secretary may, pursuant to such agreements, cooperate in the development and operation of a multiagency orientation center and programs on lands and interests in lands inside and outside of the boundaries of the monument and the conservation area generally, with the concurrence of the owner or administrator

thereof, and specifically in or near Grants, New Mexico, adjacent to Interstate 40 in accordance with the plan required pursuant to section 460uu-41 of this title.

(Pub. L. 100-225, title V, § 508, Dec. 31, 1987, 101 Stat. 1548.)

§ 460uu-49. Water rights

(a) Reservation to United States of minimum amount of water required

Congress expressly reserves to the United States the minimum amount of water required to carry out the purposes for which the national monument, the conservation area, and the wilderness areas are designated under this subchapter. The priority date of such reserved rights shall be December 31, 1987.

(b) Effect on existing valid or vested water rights

Nothing in this section shall affect any existing valid or vested water right, or applications for water rights which are pending as of December 31, 1987, and which are subsequently granted: *Provided*, That nothing in this subsection shall be construed to require the National Park Service to allow the drilling of ground water wells within the boundaries of the national monument.

(c) Construction of section as precedent with regard to future designations

Nothing in this section shall be construed as establishing a precedent with regard to any future designations, nor shall it affect the interpretation of any other Act or any designation made pursuant thereto.

(Pub. L. 100-225, title V, § 509, Dec. 31, 1987, 101 Stat. 1549.)

§ 460uu-50. Authorization of appropriations

There is authorized to be appropriated \$16,500,000 for the purposes of this subchapter, of which \$10,000,000 shall be available for land acquisition in the national monument; \$1 million shall be available for development within the national monument; \$4 million shall be available for land acquisition within the conservation area; \$1 million shall be available for development within the conservation area; and \$500,000 shall be available for planning and development of the Masau Trail.

(Pub. L. 100-225, title V, § 510, Dec. 31, 1987, 101 Stat. 1549.)

SUBCHAPTER CVII—WINDING STAIR MOUNTAIN NATIONAL RECREATION AND WILDERNESS AREA

§ 460vv. Findings and purposes

(a) Findings

The Congress finds that—

(1) select areas of undeveloped National Forest System lands in the State of Oklahoma possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second roadless area review and evaluation (RARE II)

and other studies of National Forest System lands in the State of Oklahoma and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System;

(3) the Department of Agriculture's second roadless area review and evaluation, of National Forest System lands in the State of Oklahoma and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values, and which should not be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws;

(4) many areas of the Ouachita National Forest possess qualities that can only be expressed and utilized in such a manner that designation of such areas as a national recreation area is appropriate for the maximum potential and enjoyment of the area by the American people;

(5) select areas possess unique plant and tree species and plant communities that are significant in their occurrence, variety and location and warrant designation as botanical areas; and

(6) select areas possess unique scenic and wildlife qualities that designation of such areas as a national scenic area and a national scenic and wildlife area is appropriate for the preservation of the natural beauty and wildlife habitat for the enjoyment of the American people.

(b) Purposes

The purposes of this subchapter are to—

(1) designate certain National Forest System lands in the State of Oklahoma as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the lands, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and to ensure that certain other National Forest System lands in the State of Oklahoma be available for nonwilderness multiple uses; and

(2) designate certain National Forest System lands in the State of Oklahoma as a national recreation area, 2 botanical areas, a national scenic area, and a national scenic and wildlife area in order to enhance and further certain natural resources characteristics.

(Pub. L. 100-499, § 2, Oct. 18, 1988, 102 Stat. 2491.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 100-499, § 1, Oct. 18, 1988, 102 Stat. 2491, provided that: "This Act [enacting this subchapter] may